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On September 9, 2004

By: Sharon M. Fujita

Sharon M. Fujita

Attorney Docket No: 0174.210US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Wilkinson, et al.

Application No.: 10/081,526

Filed: February 21, 2002

For: METHODS FOR IMPROVING OR ALTERING
PROMOTER/ENHANCER PROPERTIES

Examiner: Not yet assigned

Art Unit: Not yet assigned

COMMUNICATION

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Sir:

Responsive to the "NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES," mailed July 28, 2004, Applicants submit a copy of the NOTICE and a substitute computer readable form copy of the Sequence Listing.

The undersigned hereby states that the content of the paper Sequence Listing previously submitted and the enclosed substitute computer readable copy of the Sequence Listing are the same, and that the substitute computer readable copy of the Sequence Listing includes no new matter.

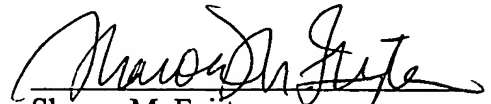
No fee is believed due in connection with this submission. However, the Commissioner is

hereby authorized to charge any deficiencies in fees in connection with this submission to Deposit
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September 9, 2004

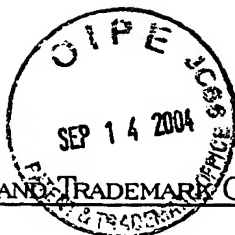
MAXYGEN, INC.
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Respectfully submitted,


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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/081,526	02/21/2002	Jack Wilkinson	174.210US

30560
MAXYGEN, INC.
INTELLECTUAL PROPERTY DEPARTMENT
515 GALVESTON DRIVE
RED WOOD CITY, CA 94063

CONFIRMATION NO. 1010

FORMALITIES LETTER



OC000000013364732

COPY

Date Mailed: 07/28/2004

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

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PART 2 - COPY TO BE RETURNED WITH RESPONSE



OIPF

CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 10/081,526A
Filing Date: 02/21/2002
Date Processed by STIC: 10/25/02

STIC Contact: Mark Spencer, 703-308-4212

Nature of Problem:

The CRF (was):

melted

- ☒ (circle one) Damaged or Unreadable (for Unreadable, see attached)
☐ Blank (no files on CRF) (see attached)
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☐ Not saved in ASCII text
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☐ Did not contain a Sequence Listing. (see attached sample)
☐ Other: _____

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Revised 01/29/2002